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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,237	03/18/2002	Gregory Bores	2267.507WOUS	1703

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EXAMINER

FOSTER, JIMMY G

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 08/22/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/088,237

Applicant(s)

BORES ET AL.

Examiner

Jimmy G Foster

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-23 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,15 and 17-19 is/are rejected.
- 7) ☐ Claim(s) 3 and 7-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. Claims 20-23 are allowable.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4 and 5, insofar as claimed, are rejected

under 35 U.S.C. § 102(b) as being anticipated by Brewer

(5,173,273). In the reference of Brewer there is provided a container at tray 12, a door at lid 14, a handle at the opening of slide 70, a latch portion at tab 96 of the slide 70, and a motion translation portion located at the portion of slide 70 that is between said opening and said latch portion; see Figures 1, 2 and 2a. The upper opening of the tray closed by the lid includes a ledge which receives opposed edges of the lid. Therefore the door/lid may be said to include an outer seating portion at that portion of the lid which becomes seated on the ledge of the door frame of the container/tray.

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The latching of the door/lid to the container/tray is asserted by the examiner to seal the door to the container against removal of anything that would be larger than the slot-like vent apertures (shown in Figures 1 and 4) located within the lid.

Said handle is shown in Figure 1 as being exteriorly exposed on the sealed container.

Although the reference of Brewer describes the use of the cassette 10 (i.e. the tray/container and the lid/door) as being for receiving dental instruments to be sterilized, the cassette is inherently capable of receiving wafers instead, including wafers having a size that is larger than the vent apertures within the lid/door. It is asserted by the examiner that this capability meets what Applicant has claimed as intended use regarding the limitations, "for enclosing wafers", "for holding wafers", and "thereby sealing the wafers in the container."

4. Claims 5, 6, 15 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Nyseth (5,711,427). Nyseth provides the following: a container at 20, a door at 24, latch receptacles at 72,74, a latching portion at 118, a motion translation portion at 110,120, and a handle actuation portion at 81. The handle actuation portion is capable of receiving robotic actuation.

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Insofar as claimed by Applicant, the "front" of the door can be the side of the door that faces toward the container instead of away from the container. Accordingly, the examiner asserts that the panel 96 of the door can be considered to constitute the front of the door. Therefore, the apertures 186 of the front portion may be considered to partially expose, at 190, the motion translation portion 110,120 of the latching mechanism. See Figures 2 and 9. In addition, the elements 112-114 are also partially exposed; see Figures 2, 5 and 7. Such elements can be considered to define a laterally actuatable handles extending from the apertures 186.

Regarding claim 17, insofar as claimed, which calls for the latching mechanism to not be contained within the door enclosure, the entire mechanism of Nyseth is not contained within the door enclosure since at least the actuation portion 81 is exposed.

5. Claims 5, 6, 15 and 17-19 are rejected under 35 U.S.C. § 102(e) as being anticipated by Nyseth et al (5,915,562). Nyseth provides the following: a container at 20, a door at 24, latch receptacles at 72,74, a latching portion at 118, a motion translation portion at 110,120, and a handle actuation portion at 81. The handle actuation portion is capable of receiving robotic actuation.

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Insofar as claimed by Applicant, the "front" of the door can be the side of the door that faces toward the container instead of away from the container. Accordingly, the examiner asserts that the panel 96 of the door can be considered to constitute the front of the door. Therefore, the apertures 186 of the front portion may be considered to partially expose, at 190, the motion translation portion 110,120 of the latching mechanism. See Figures 2 and 9. In addition, the elements 112-114 are also partially exposed; see Figures 2, 5 and 7. Such elements can be considered to define a laterally actuatable handles extending from the apertures 186.

Regarding claim 17, insofar as claimed, which calls for the latching mechanism to not be contained within the door enclosure, the entire mechanism of Nyseth is not contained within the door enclosure since at least the actuation portion 81 is exposed.

Regarding the limitation of claim 18, which calls for first and second latching mechanisms, the wafer carriers of Figures 15-21 of Nyseth et al include latching that works much in the same way as the latching for the carrier of Figures 1-14. A difference includes multiple latching mechanisms for the carriers of Figures 15-21.

The Figure 16 embodiment of the door also includes exposed handles 302.

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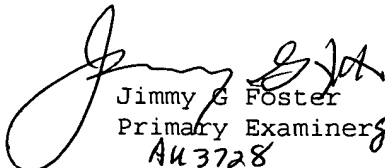
Regarding present claim 19, another difference for the embodiments of Figures 15-21 of Nyseth et al includes a lifting linkage 319 which moves a latching portion 306 *forwardly* after the latching portion has moved *outwardly* into the latching receptacles.

6. Claims 3, 7-14, 16 and 20-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy G Foster whose telephone number is (703) 308-1505. The examiner can normally be reached on Mon-Fri, 8:45 am - 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (703) 308-2672. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

  
Jimmy G Foster  
Primary Examiner  
AU 3728 8/19/03